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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,884	12/01/2003	Jean-Claude Mayet	5460-3	3354

27799 7590 07/01/2005

COHEN, PONTANI, LIEBERMAN & PAVANE  
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SUITE 1210  
NEW YORK, NY 10176

EXAMINER

KNABLE, GEOFFREY L

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/725,884

Applicant(s)

MAYET, JEAN-CLAUDE

Examiner

Geoffrey L. Knable

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12-1-2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

1. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the last line of claim 1, the reference to "an orifice" in this context is somewhat confusing. In particular, it is not clear if this requires any actual relative movement capability between the follower and the orifice (as apparently intended, it being noted in particular that the original disclosure, including the title and abstract, use the term "slot" rather than "orifice"), it being considered that the present language could be read to read on simply a rotational pin in a hole (as in the acknowledged prior art EP 1122057). It seems clear that this is not what is intended but it is suggested that this be more clearly brought out in the claim language (e.g. by referencing a "slot" as well as the fact that the cam follower is guided for sliding movement in the slot as for example in the title).

In claims 4 and 5, no antecedent has been established for "the slot" - it seems that "an orifice" in the last line of claim 1 should be "a slot" to provide the requisite antecedent.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2 4-6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Mayet (US 2002/0117265).

Mayet '265 discloses a device for fabrication of a tire reinforcement by laying arcs of cord on a toroidal form, the device comprising a cord laying element (6), an actuation mechanism including a main arm (31 in figs. 7 and 10) and what can be termed rotationally articulated front and rear auxiliary arms (3D and 32 in figs. 7 and 10) as well as pressing elements (2D, 2G). Further, the main arm (31 in figs. 7 and 10) is rotationally mounted to arm (32) and is mounted to "arm" 3D via engagement with a slide/orifice (e.g. 33 and/or 364 in fig. 7 and 3D1 in fig. 10). The claim language is not at present considered to avoid such an interpretation. As to claim 2, note that the relative rotation can be adjusted using means 369. As to claims 4 and 5, note slot 364 in fig. 7. As to claim 6, it is considered that the support provided by the main arm "31" can be termed direct. As to claim 8, the device is operable in synchronism (e.g. paragraphs [0050] and [0066]), it being considered further that the movement capability of the support along the direction marked "P" (e.g. note paragraph [0085]) is along a direction that is "relative to a rotation axis of the form".

4. Claims 1, 2 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Mayet (US 2002/0023736).

Mayet '736 discloses a device for fabrication of a tire reinforcement by laying arcs of cord on a toroidal form, the device comprising a cord laying element (6), an actuation mechanism including a main arm (32 or 383 in fig. 6) and what can be termed rotationally articulated front and rear auxiliary arms (31 and 33 in fig. 6) as well as pressing elements (2D, 2G). Further, the main arm is rotationally mounted to arm (33) and it can be considered to be mounted to arm 31 by means of a cam follower 382

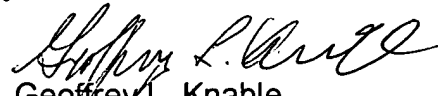
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cooperating with an orifice 381 (fig. 6). The claim language is not at present considered to avoid such an interpretation. As to claim 2, the relative rotation can be adjusted by appropriate selection of the cam configuration - not esp. paragraph [0066] and [0068]. As to claim 6, it is considered that the support provided by the main arm "32" can be termed direct. As to claim 7, the element 6 is an eyelet. As to claim 8, the device is operable in synchronism - e.g. paragraphs [0056] and [0076], it being considered that the movement capability of the support along the direction marked "P" (e.g. note paragraph [0069]) is along a direction that is "relative to a rotation axis of the form".

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on 571-272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Geoffrey L. Knable  
Primary Examiner  
Art Unit 1733

G. Knable  
June 25, 2005